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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,099	09/26/2001	Kevin Packingham	1732	3001
28005	7590	01/04/2007		
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OVERLAND PARK, KS 66251-2100			ART UNIT	PAPER NUMBER
			2614	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/04/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

09/964,099

Applicant(s)

PACKINGHAM ET AL.

Examiner

Gerald Gauthier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claim(s) 1-23** are rejected under 35 U.S.C. 102(e) as being anticipated by Metcalf (US 2002/0122541 A1).

Regarding **claim(s) 1**, Metcalf discloses a voice command platform programmed to receive a call from a user (paragraph 0024), to answer the call (paragraph 0024), and to send to the user a speech signal (paragraph 0024) representing a consolidated summary of counts of messages waiting for the user at a plurality of message portals (paragraph 0040).

Regarding **claim(s) 2 and 12**, Metcalf discloses a voice command platform, further programmed to maintain a record of counts of messages waiting for the user at the plurality of message portals (paragraph 0040).

Regarding **claim(s) 3**, Metcalf discloses a voice command platform, wherein the plurality of message portals comprises a portal selected from the group consisting of (i) an e-mail portal, (ii) a voice mail portal, (iii) a fax portal, and (iv) an instant messaging portal (paragraph 0046).

Regarding **claim(s) 4, 14 and 20**, Metcalf discloses a voice command platform, further programmed to receive update signals from the plurality of message portals, the update signals indicating updates of counts of messages waiting for the user at the plurality of message portals (paragraph 0040).

Regarding **claim(s) 5**, Metcalf discloses a voice command platform, further programmed to update the record based on the update signals (paragraph 0040).

Regarding **claim(s) 6, 15 and 21**, Metcalf discloses a voice command platform, further programmed to request message-waiting updates from the plurality of message portals, wherein the voice command platform receives the update signals in response (paragraph 0040).

Regarding **claim(s) 7 and 19**, Metcalf discloses a voice command platform, wherein the voice command platform is programmed to periodically poll the plurality of message portals for the message-waiting updates (paragraph 0040).

Regarding **claim(s) 8 and 18**, Metcalf discloses a voice command platform, further programmed to personalize the consolidated summary based on a notification profile maintained for the user (paragraph 0034).

Regarding **claim(s) 9 and 22**, Metcalf discloses a voice command platform, wherein the notification profile for the user indicates parameters to include in the consolidated summary, and wherein the platform therefore includes those parameters in the consolidated summary (paragraph 0036).

Regarding **claim(s) 10**, Metcalf discloses a voice command platform, wherein the notification profile for the user indicates user-specific name of at least one of the message portals, and wherein the consolidated summary refers to the message portal by the user-specific name (paragraph 0042).

Regarding **claim(s) 11**, Metcalf discloses a voice command platform (paragraph 0004) comprising:

a user communication interface for communicating with users via a telecommunications network (paragraph 0024);

a processor (5 on FIG. 1);

an application-processing module executable by the processor to process voice command applications, the voice command applications defining user-prompts, allowed grammars, and application logic (9 on FIG. 1);

a voice-processing module executable by the processor to recognize the allowed grammars in speech signals received from a user via the user communication interface, and to convert the user-prompts into speech signals for transmission to the user via the user communication interface (7 on FIG. 1);

a user profile store including, respectively for each of a plurality of users, a consolidated message summary indicating counts of messages waiting for the user at a plurality of message portals (8 on FIG. 1); and

consolidated-message-notification logic executable by the processor to communicate to a given user, via the user communication interface, an indication of the counts of messages waiting for the user at the plurality of message portals, as reflected by the message summary for the given user (paragraph 0040).

Regarding **claim(s) 13**, Metcalf discloses a voice command platform, wherein: the processor receives update-messages from the plurality of message portals, the update messages indicating updated counts of messages waiting at the message portals for at least one user (paragraph 0040); and

based on the update-messages, the processor updates the consolidated message summary for at least one user (paragraph 0040).

Regarding **claim(s) 16 and 23**, Metcalf discloses a voice command platform, wherein the user communication interface communicates with at least some users over a communication path comprising a wireless communication link (paragraph 0024).

Regarding **claim(s) 17**, Metcalf discloses a method (paragraph 0004) comprising:

receiving from each of a plurality of separate message-portals a respective message-waiting count for a common user (paragraphs 0052 and 0053);  
receiving a voice call from the common user (paragraph 0024); and  
presenting to the common user a spoken summary of the respective message-waiting counts for the plurality of separate message-portals (paragraph 0040).

### ***Response to Arguments***

3. Applicant's arguments with respect to **claim(s) 1-23** have been considered but are moot in view of the new ground(s) of rejection.


### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Gerald Gauthier  
Primary Examiner  
Art Unit 2614

GG  
December 14, 2006